

## AN ACT

ENTITLED, An Act to exempt persons selling certain foods at farmers' markets from licensure requirements and to establish other requirements for the sale of those foods.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as follows:

No person selling whole, intact fresh fruits or vegetables at a farmer's market, roadside stand, or similar venue is required to be licensed pursuant to this chapter.

Section 2. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as follows:

No person selling non-temperature-controlled baked goods or non-temperature-controlled home-processed canned goods at a farmer's market, roadside stand, or similar venue is required to be licensed pursuant to this chapter. However, any non-temperature-controlled baked goods or non-temperature-controlled home-processed canned goods sold at a farmer's market, roadside stand, or similar venue shall meet the requirements of section 3, if applicable, and section 4 of this Act.

Section 3. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as follows:

No canned good may be sold unless the pH level is 4.6 or less or the water activity level is .85 or less. A third-party processing authority with knowledge of the thermal processing required of food in hermetically-sealed containers shall verify the method of processing and that the pH or water activity threshold levels are met. The processing authority shall provide any such verification in writing.

Section 4. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as follows:

No baked good or canned good may be sold unless it has a label that includes the following information:

- (1) Name of the product;
- (2) Producer and contact information;
- (3) Date the product was made or processed;
- (4) Ingredients; and
- (5) Disclaimer. The disclaimer shall state: "This product was not produced in a commercial kitchen. It has been home-processed in a kitchen that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish."

An Act to exempt persons selling certain foods at farmers' markets from licensure requirements and to establish other requirements for the sale of those foods.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1222

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1222

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State